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State of South Carolina State Ethics Commission

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NEWSLETTER

JANUARY 1981

STATE DOCUMENTS

No. 81-002

FILING VIOLATIONS CITED

The State Ethics Commission has found twenty local officials in violation of the reporting provisions of the State Ethics Act.

Cited for failure to file the Statement of Economic Interests prior to April 15 were Francis M. Sarvis, USC; Jackie R. Fogle, Orangeburg School Board member; Cleveland Gilmore, Santee City Councilman; Jerry Wigington, Mayor of Salem and Henry Hudson, McColl City Councilman. The decisions on Gilmore, Wigington, and Hudson were referred to the Attorney General; Fogle has been publicly reprimanded.

The following candidates were reprimanded for failure to file the Statement within twenty days after becoming candidates: Linda D. Johnson, Barnwell School Board; James Sanders, Eva H. Brunson, James R. Douglas, Jr., and Robert Smith, candidates for Allendale City Council.

The remaining candidates were reprimanded for failure to file the Campaign Disclosure Form within 30 days after the election: County Council candidates, William Jones, McCormick; Henry Tillman, Jasper; Lucius Bacote, Darlington; Malcom Amick, Newberry; Otto Williamson, Williamsburg; and Thomas Dantzler, Berkeley. Also cited were Roscoe Gleaton, Neeses City Council; Harry Crosby, Kershaw County School Board; Welling D. Cross and E.G. Melton, Darlington County Sheriff. The Gleaton case was referred to the Attorney General.

Of the twenty actions, all but one has now filed the proper statement. Violations can result in administrative or disciplinary action, fines up to \$1,000, up to 90 days imprisonment, or both.

MOVE ANTICIPATED

The State Ethics Commission is scheduled to move to the Rembert Dennis Building effective March 3, 1981. The Commission's office will be located in Room 454, of the new building at 1000 Assembly Street. There will be no change in the Commission's telephone number or mailing address.

FOUR CHESTER SCHOOL BOARD MEMBERS CITED

Cited for voting on the 1979-80 school budget which included salary increases averaging 12.97% for their spouses were Guy Meador, Ehpraim Jackson, Willis Crain, and John Brantley. The four were found in violation of the State Ethics Act in not disqualifying themselves from voting on the school budget. They were publicly reprimanded and warned to follow the disclosure and disqualification procedures in the future.

PUBLIC HEARING SCHEDULED

The State Ethics Commission will conduct a public hearing on Wednesday, January 28, 1981 to discuss proposed rules and regulations. The hearing will be held at 8:30 a.m. in Room 252 of the Edgar A. Brown Building, 1205 Pendleton Street, Columbia. The proposed rules and regulations were adopted at the Commission meeting held on October 28, 1980. The regulations involve definitions and filing requirement changes brought about by passage of two amendments to the State Ethics Act earlier in 1980. The amendments eliminated the \$20,000 reporting threshold and instead provided for certain administrative positions to file the Statement of Economic Interests. The time of filing by candidates was changed to provide for such filing at the time of becoming a candidate, rather than twenty days later. The proposed regulations also amended the information required to be reported on the Statement of Economic Interests and Campaign Disclosure Forms.

Any person desiring to review these regulations may obtain a copy by contacting the Commission office. Any person desiring to be heard at the hearing should notify the Commission office no later than Friday, January 23, 1981.

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DIGEST OF ADVISORY OPINIONS

81-011 October 28, 1980

HIGHWAY DEPARTMENT EMPLOYEE APPEARING ON ASSOCIATION PROGRAM

An employee of the Highway Department who has been invited to appear on a program at the annual convention of the Associated General Contractors of America was advised that, since members of that organization normally bid on construction projects with the department, the State should pay any costs associated with his appearance on the program, to avoid even the appearance of impropriety.

81-012 October 28, 1980

HEALTH PLANNING EMPLOYEE SERVING ON ADVISORY BOARD OF PRIVATE HEALTH AGENCY

An employee of the Department of Health and Environmental Control was advised that, if service on the advisory board of a private health agency were part of her position responsibilities, there did not appear to be a conflict of interests. If the advisory service is not part of the employee's position responsibilities, such service may be engaged in consistent with outside business interests guidelines.

81-013 October 28, 1980

FIRE COMMISSION CHAIRMAN SERVING ON WATER COMPANY BOARD

The Chairman of the St. John's Fire Commission who also serves as the Vice-Chairman of the St. John's Water Company was advised of the requirements of §8-13-460 which provides for disclosure and disqualification in any matters coming before the Commission which could affect the financial interests of the water company.

81-014 October 28, 1980

COUNTY COUNCILMAN - COMPANY BIDDING ON COUNTY GROUP INSURANCE PROGRAM

A county councilman for Florence County is associated with a firm which desires to bid on the county group insurance program. The firm may bid on the insurance program provided the contract is awarded through a public notice and competitive

bidding process, if that is the normal award process for such contracts. The councilman may not participate in the bid award process or in future matters concerning contract continuation, reawarding of the contract, or contractual problems. The councilman also was cautioned against disclosure of confidential information or information not generally available to other potential bidders.

81-015 December 2, 1980

FILING REQUIREMENTS - HOSPITAL ADMINISTRATOR

The chief administrative official or employee of Spartanburg General Hospital, as well as the chief finance and purchasing official or employee, is required to file a Statement of Economic Interests annually in accordance with §8-13-810, as amended by Act No. 374 of 1980, effective January 1, 1981.

81-016 December 2, 1980

PERSON SERVING AS MEMBER AND EMPLOYEE OF VOTER REGISTRATION BOARD

No prohibitions exist in the State Ethics Act concerning the Chairman of the Florence County Voter Registration Board also being employed by that office. §8-13-460 provides that that person shall provide a written statement to her superior and disqualify herself from any matters requiring her action or decision which would substantially affect directly her financial interests. The Commission advised against use of her official position to obtain financial gain for herself. The Commission also advised that the Attorney General's Office be contacted concerning any other statutory provisions which could affect the situation.

81-017 December 2, 1980

CITY COUNCILMAN SERVING AS COUNTY SOCIAL SERVICES DIRECTOR

There are no provisions in the State Ethics Act concerning who may run for and hold elective offices. There does not appear to be any provisions as to whether a city councilman for Beaufort may seek and hold the position of County Social Services Director. Since the Hatch Act does prohibit partisan

activity in certain cases, the Commission advised that the Office of Personnel Management should be contacted.

81-018

December 2, 1980

OFF-HOURS EMPLOYMENT

Two employees of the Spartanburg County Emergency Medical Services may work during their off-duty hours providing non-emergency ambulance or convalescent transportation, provided such work is consistent with the off-duty employment guidelines. The employees were advised of the disclosure and disqualification procedures of §8-13-460 in matters requiring their actions or decisions which could substantially affect their personal financial interests.

81-019

December 2, 1980

AUCTIONEERS' COMMISSION DIRECTOR CONDUCTING AUCTIONS IN OTHER STATES

The Director of the S.C Auctioneers' Commission may conduct auctions in other states consistent with the off-duty employment guidelines since jurisdiction would rest with the proper licensing or administrative agencies in each state. The Director was further advised against utilizing his official position with the Auctioneers' Commission to obtain any favorable treatment or action.

81-020

December 2, 1980

SCHOOL BOARD TRUSTEE PROVIDING DRIVER EDUCATION CARS TO SCHOOL DISTRICT

According to the State Ethics Act, a newly-elected member of the Kershaw County School Board of Trustees may provide automobiles for driver education purposes to the school district provided the public notice and competitive bidding process, if appropriate, is followed, and provided that he does not participate in the letting of the contract. However, the member was advised to contact the school board attorney to discuss the application of §59-69-260 which prohibits certain contracts with school districts.

REPORTING REQUIREMENTS - STATEMENT OF ECONOMIC INTERESTS

Act No. 374 of 1980 eliminated the requirement for filing a Statement of Economic Interests by public officials and employees whose annual compensation rate is \$20,000 or more. The amendment provided for filing of the Statement by officials and employees in certain administrative or executive positions. The following requirements will exist as of January 1, 1981:

(1) State Agencies - the chief administrator, deputy administrators, and the chief finance and purchasing official or employee of each agency, facility, or institution. Salaried members of state boards and commissions are also required.

(2) Municipalities, Counties and Other Political Subdivisions (including school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and

development commissions) - the chief administrator and the chief finance and purchasing administrator.

(3) School Districts - the superintendents and all school board members whether elected or appointed, and the chief finance and purchasing administrator.

(4) Any person appointed to fill the unexpired term of any elective office.

All elected officials will continue to file the Statement of Economic Interests as will all candidates for public office.

The new filing requirements become effective January 1, 1981 with the first filing by officeholders due prior to April 15, 1981. Candidates are required to file the Statement of Economic Interests at the time they become candidates. The filing by candidates is with the party official, election commission, or other person authorized to accept notices of candidacy or petitions to appear on the election ballot.

ELECTION PROCEDURES

Any public entities planning elections, please contact the Commission prior to the opening of candidacy filings to enable the Commission to provide forms and further information. Party officials and election commissions have been provided return cards to notify the commission of upcoming elections. The Commission will provide forms and assistance.

Effective January 1, 1981 candidates are required to file the Statement of Economic Interests at the time they become a candidate. Election officials are responsible for receiving these forms from the candidates at the time they file their petition or declaration of candidacy. Within five days after the candidacy books are closed, the election official returns the original and one copy of the forms to the State Ethics Commission. Candidates who fail to file at the time of becoming a candidate shall not have their names appear on the election ballot. If through error or omission, a candidate's name does appear on the election ballot and he has not filed properly, his name shall not be subsequently certified.

State Ethics Commission

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MOODY APPOINTED BEAUFORT COUNTY TREASURER

Elrid M. Moody, member of the State Ethics Commission since August 1980, was recently appointed by the Governor to fill the unexpired term of the appointed Beaufort County Treasurer. The appointment of Moody on November 5, 1980 leaves a vacant Commission position in the First Congressional District.

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